

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

UNITED STATES OF AMERICA) Criminal Action No. 6:08-cr-00017
v.)
ALFRED NICKELAY DAVIS) FINAL ORDER
Petitioner.) By: Norman K. Moon
) United States District Judge

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** as follows:

- (1) The government's motion to dismiss, ECF No. 52, is **GRANTED**;
- (2) Davis' motion pursuant to 28 U.S.C. § 2255, ECF No. 50, is **DISMISSED**;
- (3) This action is **STRICKEN** from the active docket of this court; and
- (4) Finding that Davis has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is **DENIED**.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the parties.

ENTER: This 1st day of December, 2017.

Norman K. Moon
NORMAN K. MOON
UNITED STATES DISTRICT JUDGE